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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,864

11/04/2005

Silvio Maria Trevisan

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1792

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,864	Applicant(s) TREVISAN, SILVIO MARIA	
	Examiner Laura Edwards	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 15-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051104</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of claims 7-22 in the reply filed on 11/16/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it should be placed on a clean sheet by itself. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informality: on page 4, line 8 from the bottom of the page, Applicant sets forth “article 9” and then in line 5 from the bottom, “baking station 9”. Applicant should not use the same reference number to refer to different things.

Appropriate correction is required.

Claim Objections

Claims 10, 11, and 15-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 10, 11, and 15-22 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

Claims 7-9 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 14, "the first paint application means" lacks antecedent basis.

In claim 7, page 19, line 7, "the first roller and/or brush means" lack antecedent basis.

In claim 8, lines 1-2, it is suggested for clarity that "according to the previous claim" be changed to --according to claim 7--.

In claim 8, Applicant recites various sections (i.e., "first following up section, first return section, second following up section, second return section) but it is unclear really what Applicant is attempting to claim whether structure or whether a direction of movement of the article in the equipment as a process limitation. Clarification is necessary.

In claim 9, lines 1-2, it is suggested that the claim dependency be clarified.

In claim 9, page 20, line 1-2, "the detected measurements" lack antecedent basis.

In claim 12, line 7, it is unclear what is meant by "a single following up section".

In claim 12, page 21, line 3, it is unclear what is meant by "a single return section".

In claim 13, it is suggested that the claim dependency be clarified.

In claim 14, it is suggested that the claim dependency be clarified.

35 USC § 112 Sixth Paragraph

Claims 7, 9, 12, 13, and 14 include means plus function limitation(s) which have been treated under 35 U.S.C. 112, sixth paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Loroni (WO 02/11897).

Loroni provide powder painting equipment for at least one manufactured article comprising a first centre for applying a layer of powder paint, a first station for fixing said first paint layer via heat, at least a second centre for applying another layer of powder paint, a second station for the final baking of said first and at least one second paint layer, equipment for rolling and/or brushing the manufactured article to reproduce the desired decorative effect, characterised in that it comprises moving means or a conveyor to generate the continuous forward movement of said at least one said manufactured article, in that a first mobile support unit is mounted in each paint application centre adapted to move at least the first paint application means along a corresponding closed cyclic passage, including at least a first following up section of said at least one manufactured article during which a relative movement is imposed between said at least first paint application means and said at least one article, and in that a first mobile unit exists in said rolling and/or brushing equipment, adapted to move at least the first roller and/or brush means along a corresponding closed passage including at least a first following up section of said at least one manufactured article during which a relative movement is imposed between said at least first roller and/or brush means and said at least one manufactured article (see page 4, lines 19 to page 8, line 21).

With respect to claim 13, the painting equipment allows for plural rolling and/or brushing means such that both sides of an article would be capable of being treated.

Claims 7, 8, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Trevisan (EP 1188488).

Trevisan provide powder painting equipment for at least one manufactured article comprising a first centre for applying a layer of powder paint, a first station for fixing said first paint layer via heat, at least a second centre for applying another layer of powder paint, a second station for the final baking of said first and at least one second paint layer, equipment for rolling and/or brushing the manufactured article to reproduce the desired decorative effect, characterised in that it comprises moving means or a conveyor to generate the continuous forward movement of said at least one said manufactured article, in that a first mobile support unit is mounted in each paint application centre adapted to move at least the first paint application means along a corresponding closed cyclic passage, including at least a first following up section of said at least one manufactured article during which a relative movement is imposed between said at least first paint application means and said at least one article, and in that a first mobile unit exists in said rolling and/or brushing equipment, adapted to move at least the first roller and/or brush means along a corresponding closed passage including at least a first following up section of said at least one manufactured article during which a relative movement is imposed between said at least first roller and/or brush means and said at least one manufactured article (see [0019-0045]).

Claim 8 has been given no patentable weight as the limitations to the movement of the sections is deemed process limiting and not structurally limiting.

With respect to claim 13, the painting equipment allows for plural rolling and/or brushing means such that both sides of an article would be capable of being treated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trevisan (EP 1188488) in view of Loroni (WO 02/11897).

Trevisan provides for powder coating, heating, and roller/brush finishing the article. Trevisan is silent concerning means for profiling the article to be treated and control means to control the amount of paint applied to the article. However, it was known in the art, at the time the invention was made, to provide profiling means (i.e., photo sensor) for measuring profile of the article to be treated and control means (i.e., electronic processor) to control the amount of paint applied to the article as evidenced by Loroni (pg. 6, lines 1-5; pg. 7, lines 1-14; pg. 8, lines 1-14; clm 12). One of ordinary skill in the art would readily appreciate use of profiling means

and control means as taught by Laroni in the apparatus of Trevisan in order to control the application and decoration of the article.

Allowable Subject Matter

Claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect to a closed loop painting system: Vitale (US 6,767,406) and Williams (US 6,350,491).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/
Primary Examiner
Art Unit 1792

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February 16, 2008